

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

UNITED STATES OF AMERICA,
V.

OCT - 4 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WING WO MA,

CR 15-529 CRB

DEFENDANT(S).

SECOND SUPERSEDING INDICTMENT

21 U.S.C. § 846 – Conspiracy to Manufacture/Distribute/Possess With Intent to Distribute Marijuana; 18 U.S.C. § 924 (c)(1)(A) – Possession of Firearm In Furtherance of and Use of Firearm During and In Relation to, a Drug Trafficking Crime; 18 U.S.C. § 924(j) – Use of a Firearm During and In Relation to a Drug Trafficking Crime Resulting in Death; 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. §§ 924(d), 981(a)(1)(C); 21 U.S.C. § 853(a), 28 U.S.C. § 2461(c) – Criminal Forfeiture

A true bill.

[Signature]

Foreman

Filed in open court this 4th day of

October 2018

[Signature]

KAREN L. HOM

JOSEPH C. SPERO

Clerk

UNITED STATES MAGISTRATE JUDGE

Bail, \$

no amount

AG-257 (Rev. 3/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment A (Defendant Information Sheet for Second Superseding Indictment)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

Wing Wo Ma, a/k/a "Mark Ma," a/k/a "Fat Mark"

DISTRICT COURT NUMBER

15-CR-0529 CRB

FILED**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ALEX G. TSE

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Joseph M. Alioto Jr.

DEFENDANT IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

United States v. Wing Wo Ma
15-CR-00529 CRB

Defendant Information Sheet for Second Superseding Indictment
Attachment A

Count One (21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(B))

Not less than 5 years and not more than 40 years' imprisonment;
Not more than \$5,000,000 fine;
Not less than 4 years, and up to a life term of supervised release;
\$100 special assessment;
Forfeiture;
Deportation if applicable.

Count Two (18 U.S.C. § 924(c)(1)(A))

Not less than 5 years and up to a life imprisonment consecutive to any other sentence;
Not more than \$250,000 fine;
Not more than 3 years supervised release;
\$100 special assessment;
Forfeiture;
Deportation if applicable.

Count Three (18 U.S.C. § 924(j))

Not more than life imprisonment;
Not more than \$250,000 fine;
Not more than 5 years supervised release;
\$100 special assessment;
Forfeiture;
Deportation if applicable.

ALEX G. TSE (CABN 152348)
United States Attorney

FILED

OCT - 4 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Sn

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WING WO MA, a/k/a "Mark Ma," a/k/a
"Fat Mark,"

Defendant.

CASE NO. 15-CR-00529 CRB

VIOLATIONS:

21 U.S.C. § 846 – Conspiracy to
Manufacture/Distribute/Possess With Intent to
Distribute Marijuana; 18 U.S.C. § 924(c)(1)(A) –
Possession of Firearm In Furtherance of and Use of
Firearm During and In Relation to, a Drug
Trafficking Crime; 18 U.S.C. § 924(j) – Use of a
Firearm During and In Relation to a Drug Trafficking
Crime Resulting in Death; 18 U.S.C. § 2 – Aiding and
Abetting; 18 U.S.C. §§ 924(d), 981(a)(1)(C); 21
U.S.C. § 853(a), 28 U.S.C. § 2461(c) – Criminal
Forfeiture

SAN FRANCISCO VENUE

SECOND SUPERSEDING INDICTMENT

1 The Grand Jury charges:

2 COUNT ONE: (21 U.S.C. § 846 – Conspiracy to Manufacture and to Distribute and to Possess
3 with Intent to Distribute Marijuana)

4 1. Beginning on a date unknown to the Grand Jury, but from in or about January 2013 and
5 continuing through at least on or about October 22, 2013, in the Northern District of California, the
6 defendant,

7 WING WO MA,
8 together with others, known and unknown, knowingly and intentionally conspired to manufacture and to
9 distribute and to possess with intent to distribute a Schedule I controlled substance, specifically, 100 or
10 more marijuana plants, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(vii).

11 All in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(B).

12 COUNT TWO: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Possession of Firearm in Furtherance of Drug
13 Trafficking Crime and Use of Firearm During and In Relation to Drug Trafficking
14 Crime)

15 2. In or about September and October 2013, and again on or about October 17, 2013, in the
16 Northern District of California, the defendant,

17 WING WO MA,
18 knowingly possessed a firearm in furtherance of, and knowingly used, carried, and discharged a firearm
19 during and in relation to, a drug trafficking crime for which he may be prosecuted in a court of the
20 United States, namely, the drug trafficking conspiracy charged in Count One of this Second Superseding
21 Indictment, and knowingly possessed and discharged a firearm during and in relation to the offense
22 charged in Count One of this Second Superseding Indictment, and aided and abetted the same.

23 All in violation of Title 18, United States Code, Section 924(c)(1)(A) and 2.

24 COUNT THREE: (18 U.S.C. §§ 924(j) and 2 – Use of Firearm Resulting in Death)

25 3. On or about October 17, 2013, in the Northern District of California, the defendant,

26 WING WO MA,
27 willfully and knowingly used and carried a firearm, during and in relation to a drug trafficking crime for
28

1 which he may be prosecuted in a court of the United States, namely, the drug trafficking conspiracy
 2 charged in Count One of this Second Superseding Indictment, and possessed a firearm in furtherance of
 3 such crime, and in the course of that crime caused the death of a person, namely Jim Tat Kong and
 4 Cindy Bao Feng Che, through the use of a firearm, which killing was murder as defined in Title 18,
 5 United States Code, Section 1111(a), and aided and abetted the same.

6 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

7 FORFEITURE ALLEGATIONS: (21 U.S.C. § 853; 18 U.S.C. §§ 924(d), 981(a)(1)(C); 28 U.S.C. §
 8 2461(c))

9 4. The factual allegations contained in Counts One through Three of this Second
 10 Superseding Indictment are realleged and incorporated by reference for the purpose of alleging
 11 forfeiture pursuant to Title 18, United States Code, Sections 924(d) and 981(a)(1)(C), Title 21, United
 12 States Code, Section 853, and Title 28, United States Code, Section 2461(c).

13 5. Upon conviction of the offenses alleged in Counts One through Three, the defendant,
 14 WING WO MA,
 15 shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearm or
 16 ammunition involved in or used in any knowing violation of section 924 or any violation of any other
 17 criminal law of the United States.

18 6. Upon conviction of the offenses alleged in Count One of this Second Superseding
 19 Indictment, the defendant,

20 WING WO MA,
 21 shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), any property constituting or derived
 22 from any proceeds the defendant obtained, directly or indirectly, as the result of such violation, and any
 23 of the defendant's property used, or intended to be used, in any manner or part, to commit, or to
 24 facilitate the commission of such violations.

25 7. If, as a result of any act or omission of the defendants, any of said property

26 a. cannot be located upon the exercised of due diligence;

27 b. has been transferred or sold to or deposited with, a third person;

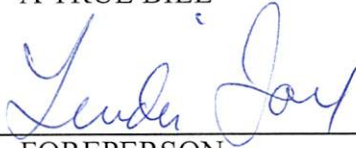
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

any and all interest defendants have in any other property (not to exceed the value of the above forfeitable property) shall be vested in the United States and forfeited to the United States, pursuant to Title 21, United States Code, Section 853(p), and 28 U.S.C. § 2461(c).

All in violation of Title 18, United States Code, Sections 924(d)(1) and 981(a)(1)(C); Title 21, United States Code, Section 853(a)(1), (a)(2), (p), Title 28, United States Code, Section 2461(c); and Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED: October 4, 2018

A TRUE BILL


FOREPERSON

ALEX G. TSE
United States Attorney



STEPHANIE HINDS
Deputy Chief, Criminal Division

(Approved as to form:


JOSEPH M. ALIOTO JR.
WILLIAM FRENTZEN
Assistant United States Attorneys